

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES A. EVANGELISTA,)	
Plaintiff)	
)	
v.)	No. 05CV10311-MLW
)	
SHANE MARCOTTE, JASON FANION,)	
DANIEL FALLON, III, JONATHAN)	
COTTER, JAMES JOHNSON, CARL)	
SUPERIOR and CITY OF WORCESTER,)	
Defendants)	
)	

ASSENTED TO MOTION TO CONTINUE ALL DATES

Defendants Shane Marcotte, Jason Fanion, Daniel Fallon, III, Jonathan Cotter, James Johnson, Carl Superior and the City of Worcester hereby move this Court, pursuant to LR 40.3, to continue all remaining dates in the Court's September 14, 2005 scheduling order. Plaintiff Charles A. Evangelista assents to this Motion.

As good cause for this Motion, counsel for Defendants, Wendy L. Quinn, states that she has a conflict with the scheduling conference set for September 14, 2006 at 4:00 p.m. because she has to fly out of state on that day to attend her brother's wedding. As further good cause, the parties have agreed to participate in court-sponsored mediation, the scheduling of which the parties anticipate will require

continuing the scheduled dates for the pretrial conference, now set for October 11, 2006 at 4:00 p.m., and the trial, currently scheduled for October 23, 2006. This is the first continuance requested by either party in this case.

With regard to mediation, the parties further request that the Court refer this case to mediation to be conducted by Magistrate Judge Timothy Hillman in Worcester, as all of the Defendants are located in Worcester, and Plaintiff now lives out of state.

WHEREFORE, Defendants, with Plaintiff's assent, hereby move this Court to continue all remaining dates in the scheduling order.

SHANE MARCOTTE, JASON FANION,
DANIEL FALLON, III, JONATHAN
COTTER, JAMES JOHNSON, CARL
SUPERNOR, and CITY OF WORCESTER

By their attorneys,
David M. Moore
City Solicitor

/s/ Wendy L. Quinn
Janet J. McGuiggan (BBO#630013)
Wendy L. Quinn (BBO#653954)
Assistant City Solicitors
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455 Main Street
Worcester, MA 01608
(508) 799-1161

CERTIFICATE OF LOCAL RULE 7.1 CONFERENCE

I, the undersigned, hereby certify that I spoke with Plaintiffs' counsel in a good faith attempt to resolve or narrow the issues presented by this Motion, and, as a result, this Motion is being filed with Plaintiff's assent.

/s/ Wendy L. Quinn
Assistant City Solicitor

CERTIFICATE OF SERVICE

I, Wendy L. Quinn, hereby certify that I have served upon Plaintiff the within Assented to Motion to Continue all Dates by electronically filing with the Court through the ECF system, which sends notification of the same to William T. Harrington, Esquire (wharrington.glhr@verizon.net), Glynn, Landry, Harrington & Rice, 10 Forbes Road, Suite 270, Braintree, MA 02184-2605 this 14th day of August, 2006.

/s/ Wendy L. Quinn
Assistant City Solicitor